

FEB 16 2022

MUSHTAQ AHMAD

10 Parliament Drive, New City, NY 10956

(845)708-5837 Email: nymushtaq@gmail.com

Date: February 14, 2022

VIA U.S. MAIL

The Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Ahmad V. New York City Department of Education, et al.
Civil Action File No. 1-18-CV-03494-(WFK)-(LB)

Dear Judge Kuntz:

Here comes Pro Se Plaintiff to respectfully move this court to impose FRCP Rule 5 and Rule 11 sanctions against Defendant DOE and its counsel Corey B. Hirsch for intentionally and willfully submitting false certificates of service on January 19, 2022, and then again on January 26, 2022, in this honorable court.

On January 19, 2022, on page 4 of document entry 91, Defendant DOE's counsel falsely certified that he served a copy of the document 91 upon the Pro Se Plaintiff via 1st class mail and email. [See dkt. 91, pg. 4]

On January 26, 2022, on page 9 of document 93, Defendant DOE's counsel once again falsely certified that he served a copy of the document 93 upon the Pro Se Plaintiff via 1st class mail and email. [See dkt. 93, pg. 9]

The Defendant DOE and its counsel Corey B. Hirsch did not serve document 91 or 93 upon the Pro Se Plaintiff neither via mail nor via email until Plaintiff contacted Mr. Hirsch via email on February 1, 2022, and then DOE's counsel sent a copy of the documents via email to Plaintiff on February 2, 2022. And in his response email at 9:53 am on February 2nd, 2022, Mr. Hirsch once again falsely wrote, "I served these documents (Docket 90,91,93) on January 19, 2022. [See Ex. A, pg. 1, a copy of emails 1 and 2]. The court should note that the docket 90 and 91 were filed by Defendant DOE on January 19, 2022, and the docket 93 was filed on January 26, 2022.

In another email at 3:06 pm on February 2nd, 2022, Mr. Hirsch wrote that the copy of the documents mailed to plaintiff was returned to his office because there was "no mail receptacle" at Plaintiff's address and attached to that email was a scanned document, which appears to be manufactured and fabricated because, as a matter of fact, there is a mailbox attached to a

permanently fixed in ground pole at the entrance driveway of my residence. [See Ex. B, a copy of email 4 and scanned document from Mr. Hersch].

Plaintiff's position is that the Defendant DOE and its counsel Corey B. Hirsch filed a false certificate of service with the court on January 19, 2022, and on January 26, 2022, with deceptive intent and then manufactured and fabricated returned mail envelope. Defendant DOE and its counsel Corey B. Hersch have no proof that they served the said documents (dkt 91 and 93) via email on January 19 or January 26, 2022. However, it appears that they have manufactured a false returned envelope related to the mail service of the documents.

WHEREFORE, in light of the forgoing, it is respectfully requested that the court declare the Defendant DOE and its counsel Corey B. Hersch in contempt of court, bad faith litigants, and impose sanctions against them.

Respectfully submitted,

Dated: New City, NY
February 14, 2022


Mushtaq Ahmad (Plaintiff)
10 Parliament Drive
New City, NY 10956
Phone: (845)708-5837
Email: nymushtaq@gmail.com

Exhibit A

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Tue, Feb 1, 2022 at 6:21 PM
Subject: 1:18-CV-3494
To: <cohirsch@law.nyc.gov>
Cc: Green, Nicholas (Law) <nigreen@law.nyc.gov>, <christopher.lewis@nysut.org>

①

Dear Mr. Hirsch:

I am the Pro Se plaintiff in the above-referenced case and it has come to my knowledge that you filed some documents with the court on or around January 19, 2022.

You submitted a certificate of service to the court claiming that you have served a copy of the document (Dkt 91) upon the plaintiff via email and via U.S. mail. Please note that I have not yet received a copy of Dkt 91; neither by email nor via U.S. Postal Service.

Please send me a copy of the email to which the said document (Dkt 91) was attached. It appears that you have misrepresented the service of the document in your certificate of service, and you need to amend the certificate of service and serve the said document upon me (a Pro Se Plaintiff).

In the future, if you need to reach me then please call me after 3:00 PM at my cell number 845-304-8981.

Respectfully,
Mushtaq Ahmad
845-304-8981

From: **Hirsch, Corey (Law)** <cohirsch@law.nyc.gov>
Date: Wed, Feb 2, 2022 at 9:53 AM
Subject: RE: [EXTERNAL] 1:18-CV-3494
To: M Ahmad <nymushtaq@gmail.com>
Cc: christopher.lewis@nysut.org <christopher.lewis@nysut.org>

②

Dear Mr. Ahmad,

I hope this email finds you well. Please find copies of ECF Docket Numbers 90 (Notice of Appearance), 91 (Second Motion For Extension of Time), and 93 (Affidavit of Service) which were filed on ECF. I served these documents on January 19, 2022 via mail to your listed address of "10 Parliament Drive, New City, New York 10956". However, from your email it appears that they may not have reached you. Is this still your present address and is there an apartment number that should be included? Please let me know and I will send another copy to you via mail today.

Thank you very much.

Best,
Corey Hirsch

Exhibit B

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Wed, Feb 2, 2022 at 2:04 PM
Subject: Re: [EXTERNAL] 1:18-CV-3494
To: Hirsch, Corey (Law) <cohirsch@law.nyc.gov>
Cc: christopher.lewis@nysut.org <christopher.lewis@nysut.org>

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The address is correct and there is no apartment number because it is a private house. You might have sent the documents via mail but you definitely did not send it via email to me, and I don't know why you certified it in the certificate of service that you had served it via email.

I hope you know that there are consequences for false certification. Have a good day!

From: **Hirsch, Corey (Law)** <cohirsch@law.nyc.gov>
Date: Wed, Feb 2, 2022 at 3:06 PM
Subject: RE: [EXTERNAL] 1:18-CV-3494
To: M Ahmad <nymushtaq@gmail.com>
Cc: christopher.lewis@nysut.org <christopher.lewis@nysut.org>

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Dear Mr. Ahmad,

Thank you for your reply.

The copy of the documents mailed to you on January 19, 2022 was returned to my office because there was "no mail receptacle" at your address (please see attached scan). Please confirm that this address is proper for receiving mail via USPS and UPS. I will then send the documents again upon your confirmation.

In addition, if you would like me to send you courtesy copies of documents via email, alongside the copies I file online via ECF and mail to your address per the Judge's rules, I will do my best to send them to you as I did this morning.

Thank you.

Best,
Corey Hirsch

US POSTAGE
2P 10001 \$001.36
02 AM
0000352855 JAN 30 2022

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From: **M Ahmad** <nymushtaq@gmail.com>
Date: Mon, Feb 7, 2022 at 11:34 AM
Subject: Re: [EXTERNAL] 1:18-CV-3494
To: Hirsch, Corey (Law) <cohirsch@law.nyc.gov>
Cc: christopher.lewis@nysut.org <christopher.lewis@nysut.org>

Please note that I have decided to file a motion for sanctions regarding this matter. There is a permanent mailbox fixed in the ground at my home address. I received the court's letter in the mail but not yours. Thank you!

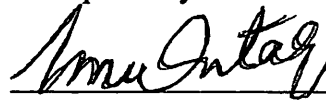
Certificate of Service

I, Mushtaq Ahmad, Pro Se Plaintiff, hereby certify that a copy of the attached Plaintiff's letter/motion for sanctions against Defendant DOE's and its attorney, and the supporting exhibits attached thereto, has been sent via U.S. mail to:

1. Corey B. Hirsch, Attorney for NYCDOE Defendants, 100 Church Street, New York, New York 10007
2. Christopher Lewis, attorney for UFT/NYSUT, 52 Broadway, 9th Floor, New York, NY 10004.

Dated: New City, NY
February 14, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mushtaq Ahmad', written over a horizontal line.

Mushtaq Ahmad (Pro Se, Plaintiff)
10 Parliament Drive
New City, NY 10956
Phone: (845)304-8981